

## REMARKS

The Examiner rejected claims 17 and 31 under §112 alleging that the language “operatively” renders those claims unclear. Applicants disagree, but have amended claims 17 and 31 without adding new matter to address the Examiner’s concerns. These claims now recite that the controller is “communicatively” connected to the transmitter and the receiver. In light of the amendments, Applicants request that the Examiner withdrawal the §112 rejections.

The Examiner also rejected claim 1 under §102 as being anticipated by Chen. Claim 1 is directed to a method of reverse link rate control. Conventional base stations transmit power control bits (PCBs) in designated power control slots to mobile stations via a Forward Common Power Control Channel (F-CPCCH). A base station operating according to claim 1, however, “steals” some of these PCB slots, and uses them to send rate control bits to the mobile stations instead. Claim 1 recites, “transmitting ... rate control information to one or more mobile stations on selected power control slots on the forward common power control channel.”

Chen, in contrast, discloses a method of power control – not rate control - for mobile terminals transitioning between CDMA modes (e.g., from Idle to Active). Chen says nothing about rate controlling the mobile terminals, nor does Chen ever mention stealing PCB slots to send rate control bits to the mobile stations.

The Examiner equates the “rates” of Chen (i.e., 800 bps of Figure 3; 400 bps of Figure 4; and 200 bps of Figures 5-7) to the claimed rate control information. However, that assertion wholly misstates Chen. The rates disclosed in Chen are the rates at which the base station sends power control information to a mobile terminal transitioning between states. *E.g., Chen*, ¶0051. In Chen, “the transition indication includes certain power control bits transmitted as power control groups.” *Chen*, ¶0047 (emphasis added). The transitioning mobile terminals do not control their data rates after receiving the power control information, but instead, simply increase/decrease their power levels as is conventional. *E.g., Chen*, ¶0047.

Chen fails to anticipate claim 1 because Chen does not transmit rate control information to mobile stations on selected PCB slots on a forward common power control channel. Rather, Chen teaches only power control. Therefore, claim 1 and all of its dependent claims are patentable over Chen.

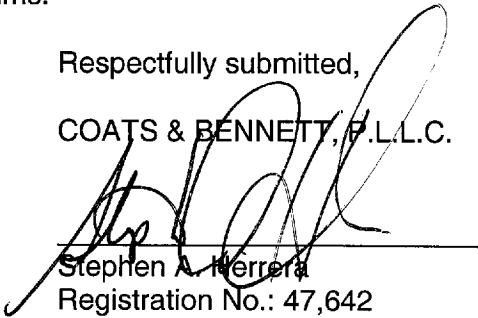
The Examiner also rejected claims 17 and 31 as being anticipated by Chen for substantially the same reasons as those stated above for claim 1. Claim 17, however, is directed to a base station that performs the method of claim 1. Claim 31 is directed to a mobile station that varies its data transmission rate responsive to receiving rate control information from the base station in selected PCB slots. Thus, both claims 17 and 31 include language similar to claim 1. As such, claims 17 and 31, and all of their respective dependent claims, are patentable over the cited art for reasons similar to those stated above.

Finally, the Examiner rejected dependent claims 5-15, 20-27, and 34-41 as being obvious over Chen in view of Zhang. For the reasons stated above, however, Chen fails to teach or suggest each element in their respective independent claims. Zhang does not resolve this deficiency. Accordingly, the §103 rejections of claims 5-15, 20-27, and 34-41 fail as a matter of law.

In light of the foregoing amendments and their accompanying remarks, Applicants request the allowance of all pending claims.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.

  
Stephen A. Herrera  
Registration No.: 47,642

Dated: April 18, 2007

P.O. Box 5  
Raleigh, NC 27602  
Telephone: (919) 854-1844  
Facsimile: (919) 854-2084